

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA
Plaintiff,

v.

OMAR WARD

Defendant.

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Case No. CR 06, 0380

FILED
2011 AUG 29 P 3:58
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RESPONSE TO UNITED STATES' MOTION
TO CONTINUE BRIEFING SCHEDULE

Defendant Omar Ward files this response to the United States' motion to continue briefing schedule and would respectfully show the court the following:

1) The Government incorrectly states that Amendment 706 does not go into effect until November 1, 2011. However, as clearly stated in Defendant's motion, Amendment 706 became effective on March 3, 2008. Amendment 706 to the Guidelines authorized reductions for sentences based on crack cocaine violations that were imposed before November 1, 2008. See United States v. Chaney, 581 F.3d 1123, 1125 (9th Cir. 2009); USSG App. C. amend 706. The Amendment reduced the disparity by adjusting the base offense levels assigned to various quantities of crack cocaine downward by two points. USSG §2.D1.1. It was declared to be retroactive. Id. §1B1.10(c). Since Defendant was sentenced on October 12, 2007, he is eligible for a reduction in sentence.

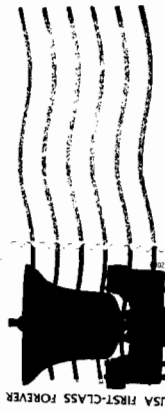
The government's motion for continuance should be denied as defendant's motion is not premature, and there already has been a significant delay in a proper response from the government.

Dated: 8/25/11

Respectfully Submitted,

Omar Ward
Omar Ward

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